

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**BALLEY TRANSPORTATION
CORPORATION,**

Plaintiff,

v.

LM INSURANCE CORPORATION,

Defendant.

Civil Action No. 15-7642

ORDER

THIS MATTER having come before the Court by way of an Order to Show Cause issued by United States Magistrate Judge Michael Hammer on April 25, 2018, which directed Plaintiff Balley Transportation Company (“Plaintiff” or “Balley”) to show cause why its claims against Defendant LM Insurance Corporation (“Defendant” or “LM”) should not be dismissed based on Plaintiff’s failure to prosecute, and why the Court should not enter default in Defendant’s favor on its counterclaims against Plaintiff, ECF No. 49;

and it appearing that plaintiff failed to respond to the Order to Show Cause;

and it appearing that the Judge Hammer issued a Report and Recommendation dated May 30, 2018, in which Judge Hammer recommended that Plaintiff’s Complaint be dismissed with prejudice and that default be entered in favor of LM and against Balley on LM’s counterclaims, ECF No. 52;

and it appearing that neither Defendant nor Plaintiff has filed any objections to the Report and Recommendation;

and for the reasons set forth in Judge Hammer’s Report and Recommendation;

IT IS on this 27th day of June, 2018;

ORDERED that Judge Hammer's Report and Recommendation dated May 30, 2018, is **ADOPTED**;

ORDERED that Plaintiff's Complaint is **DISMISSED with prejudice** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b);

ORDERED that **DEFAULT** is entered against Plaintiff in favor of Defendant on Defendant's counterclaims against Plaintiff; and it is further

ORDERED that this case is **closed**.

/s *Madeline Cox Arleo*
HON. MADELINE COX ARLEO
UNITED STATES DISTRICT JUDGE